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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,260	01/11/2002	Timothy Allen Shear	088305-0145	6248
22428	7590	05/23/2006	EXAMINER	
FOLEY AND LARDNER LLP			STORK, KYLE R	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			2178	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,260

Applicant(s)

SHEAR, TIMOTHY ALLEN

Examiner

Kyle R. Stork

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1, 2, 4-6, 8-15, 18-20, 22, 24-26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8-15, 18-20, 22, 24-26, and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This final office action is in response to the amendment filed 21 March 2006.
2. Claims 1, 2, 4-6, 8-15, 18-20, 22, 24-26, and 28-33 are pending. Claims 1, 14, and 20 are independent claims. The rejection of claims 1, 2, 4-6, 8-15, 18-20, 22, 24-26, and 28-33 under 35 U.S.C. 103 under IBM Technical Disclosure Bulletin (August 1, 1988, US, Volume No. 31, Issue Number 3, pages 30-31) and Dyer et al. (US 2002/0116470, filed 20 February 2001) and further in view of Cromarty et al. (US 6393442, filed 8 May 1998); and further in view of Guheen et al. (US 6519571, filed 27 May 1999), has been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-6, 9, 12-14, 18-20, 24-26, 29, 32-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin, (August 1, 1988, US, Volume Number 31, Issue Number 3, Pages 30-31, hereinafter IBM) and further in view of Kirkbride et al. (US 5446883, patented 29 August 1995, hereinafter Kirkbride).

Regarding independent claim 1, IBM discloses A computer implemented method of automatically storing and transmitting data in an universal format (the data

processing in IBM occurs in a generalized markup language, see page 1), the method comprising the steps of: receiving a document in a first format (in IBM, the data is received in the markup language, see page 1); parsing said received document in said first format into constituent node sets (the markup language is parsed into its nodes; and semantically-tagging, indexing and storing each node set of said received document in a data store (in IBM, the nodes are processed into an indexed tree by tags to store them in a database, see pages 2-3). IBM fails to specifically disclose that the storage and transmission occurs in a network. IBM further fails to specifically disclose automatically triggering a propagation of an event over a network, to a registered partner on the global commerce network, wherein the predetermined event is an update of the node set that is derived from a document previously sent by the registered partner. However, Kirkbride automatically triggering a propagation of an event over a network, to a registered partner on the global commerce network, wherein the predetermined event is an update of the node set that is derived from a document previously sent by the registered partner (column 4, lines 29-47: Here users are registered in a table. Further, the users are notified when a change or an update occurs to a document in which the user has interest).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM with Kirkbride, since it would have allowed a user to change one set of data and have the changes propagated to reliant documents and users (Kirkbride: column 4, lines 29-47).

Regarding dependent claim 4, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses that said node set is stored in a data store. (IBM stores the data in a database, which is a type of data store, see page 1).

Regarding dependent claim 5, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses that said node set is stored in a format that can be translated to any other format to which the format may be converted (pages 1-2: Here, the directed graph shows the acceptable forms for the documents conforming to this style).

Regarding dependent claim 6, IBM and Kirkbride disclose the limitations similar to those in claim 4, and the same rejection is incorporated herein. IBM further discloses said stored node set is stored in a format corresponding to a format of said data store. This is inherently required for the data to be successfully stored on the data store.

Regarding dependent claim 9, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses receiving a second document (this is the repetition of the steps of claim 1); parsing said received second document into constituent node sets (this is the repetition of the steps of claim 1); indexing said each node set of said received second document (this is just repeating the step of claim 1); storing said each node set of said received second document in said data store (this is the repetition of the steps of claim 1); and updating at least one of said node sets of said document previously stored in said data store

which corresponds to one of said node sets of said received second document (on page 3 of IBM, IBM discusses how the indexed tree is updated if it receives additional data).

Regarding dependent claim 12, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses receiving a second document (this is the repetition of the steps of claim 1); parsing said received second document into constituent node sets (this is the repetition of the steps of claim 1); indexing said each node set of said received second document (this is the repetition of the steps of claim 1); storing said each node set of said received second document in said data store (this is the repetition of the steps of claim 1) and appending at least one of said node sets of said received second document to said document previously stored in said data store (the indexed data tree is expanded by appending).

Regarding dependent claim 13, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Kirkbride further discloses triggering a propagation of an event to an endpoint of said network by the storing or appending of at least one of said node sets of said second document stored in said data store (column 4, lines 29-47).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM and Kirkbride with Kirkbride, since it would have allowed a user to change one set of data and have the changes propagated to reliant documents and users (Kirkbride: column 4, lines 29-47).

Regarding independent claim 14, it is a system for performing the method of claim 1 and it is rejected under similar rationale.

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Regarding dependent claim 18, it is a system for performing the method of claim 5 and it is rejected under similar rationale.

Regarding dependent claim 19, it is a system for performing the method of claim 6 and it is rejected under similar rationale.

Regarding independent claim 20, it is a computer program product that performs the method of claim 1 and is rejected under similar rationale.

Regarding dependent claim 24, it is a computer program product that performs the method of claim 4 and is rejected under similar rationale.

Regarding dependent claim 25, it is a system for performing the method of claim 5 and it is rejected under similar rationale.

Regarding dependent claim 26, it is a computer program product that performs the method of claim 6 and is rejected under similar rationale.

Regarding dependent claim 29, it is a computer program product that performs the method of claim 9 and is rejected under similar rationale.

Regarding dependent claim 32, it is a computer program product that performs the method of claim 12 and is rejected under similar rationale.

Regarding dependent claim 33, it is a computer program product that performs the method of claim 13 and is rejected under similar rationale.

5. Claims 2, 15, and 22 are rejected under 35 U.S.C. 103(a) over IBM and Kirkbride further in view of Cromarty et al. (USPN 6,393,442 B1—filing date 5/8/1998), hereinafter Cromarty.

Regarding dependent claim 2, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM fails to specifically disclose retrieving said each node set of said received document; and reassembling required node sets of said received document into a second format. However, in col. 2, lines 50-67, Cromarty discusses analogous format transformation that takes a document in a source format and reassembles it into a target format. It would have been obvious to one of ordinary skill in the art at the time of the invention to reassemble documents in IBM in the manner of Cromarty in order to increase availability of documents in new formats.

Regarding dependent claim 15, it is a system for performing the method of claim 2 and it is rejected under similar rationale.

Regarding dependent claim 22, it is a computer program product that performs the method of claim 2 and is rejected under similar rationale.

6. Claims 8, 10-11, 25, and 30-31 are rejected under 35 U.S.C. 103(a) over IBM and Kirkbride further in view of Guheen et al. (US 6519571, filed 27 May 1999, hereafter Guheen).

Regarding dependent claim 8, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM fails to specifically disclose the registered partner in the global commerce network registers for notification of said propagation of said predetermined event in said network (column 243, lines 25-34).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM with Guheen, since it would have allowed a user to remain informed of updates (Guheen: column 243, lines 25-34)

Regarding dependent claim 10, IBM and Kirkbride disclose the limitations similar to those in claim 9, and the same rejection is incorporated herein. IBM fails to specifically disclose triggering a propagation of an event to registered partner network by the storing of at least one of said nodes the second document and updating at least one of said nodes of said document previously stored in said data store. However, Guheen discloses triggering a propagation of an event to registered partner network by the storing of at least one of said nodes the second document and updating at least one of said nodes of said document previously stored in said data store (column 243, lines 25-34).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM with Guheen, since it would have allowed a user to remain informed of updates (Guheen: column 243, lines 25-34)

Regarding dependent claim 11, IBM and Kirkbride disclose the limitations similar to those in claim 9, and the same rejection is incorporated herein. IBM fails to specifically disclose the registered partner retrieves said node sets stored in said data store upon said notification of said predetermined event. However, Guheen discloses the registered partner retrieves said node sets stored in said data store upon said notification of said predetermined event (column 243, lines 25-34).

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM with Guheen, since it would have allowed a user to remain informed of updates (Guheen: column 243, lines 25-34)

Regarding dependent claim 28, it is a computer program product that performs the method of claim 8 and is rejected under similar rationale.

Regarding dependent claim 30, it is a computer program product that performs the method of claim 10 and is rejected under similar rationale.

Regarding dependent claim 31, it is a computer program product that performs the method of claim 11 and is rejected under similar rationale.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2, 4-6, 8-15, 18-20, 22, 24-26, and 28-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

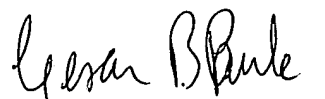
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle R Stork
Patent Examiner
Art Unit 2178

krs



**CESAR PAULA
PRIMARY EXAMINER**